

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CIVIL NO. 2:04CV276**

<b>PRUDENTIAL COMMERCIAL REAL ESTATE; C. DAN JOYNER CO.; and MICHAEL QUILLAN,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
	)	
<b>Vs.</b>	)	<b><u>ORDER OF DISMISSAL</u></b>
	)	
<b>V. C. SMITH REAL ESTATE, INC.; RAY TRINE; O'NEAL McCALL; ELAINE ZACHARY or, in the Alternative, KENNETH L. DINGLER; ANDREA DINGLER; PATRICK KENNEDY; PATRICIA A. KENNEDY; and GIMLI, LTD.,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** is before the Court on the Plaintiffs' motion to dismiss their claims against the Defendants Kenneth L. Dingler, Andrea Dingler, Patrick Kennedy, Patricia A. Kennedy, and Gimli, Ltd., without prejudice. Counsel for these Defendants have consented to the motion; counsel for the Defendants V.C. Smith Real Estate, Ray Trine, O'Neal McCall and Elaine Zachary did not consent.

For the reasons set forth in the motion and counsel for the proposed dismissed Defendants having consented to the request,

**IT IS, THEREFORE, ORDERED** that the Plaintiffs' motion to dismiss their claims against the Defendants Kenneth L. Dingler, Andrea Dingler, Patrick Kennedy, Patricia A.

Kennedy, and Gimli, Ltd., is **ALLOWED**, and Plaintiffs' claims as to these named Defendants are hereby **DISMISSED WITHOUT PREJUDICE.**

**Signed: July 20, 2005**



Lacy H. Thornburg  
United States District Judge

